

§ 254.1

§ 254.1 Purpose.

The purpose of this part is to establish rules for the carriage of baggage in interstate and intrastate air transportation. The part sets permissible limitations of air carrier liability for loss, damage, or delay in the carriage of passenger baggage and requires air carriers to provide certain types of notice to passengers.

[ER-1374, 49 FR 5071, Feb. 10, 1984, as amended at 64 FR 70575, Dec. 17, 1999]

EFFECTIVE DATE NOTE: At 64 FR 70575, Dec. 17, 1999, §254.1 was amended by removing the phrase "and overseas" and adding in its place "and intrastate" effective Jan. 18, 2000.

§ 254.2 Applicability.

This part applies to any air carrier that provides charter or scheduled passenger service in interstate or intrastate air transportation.

[ER-1374, 49 FR 5071, Feb. 10, 1984, as amended at 64 FR 70575, Dec. 17, 1999]

EFFECTIVE DATE NOTE: At 64 FR 70575, Dec. 17, 1999, §254.2 was amended by removing the phrase "or overseas" and adding in its place "or intrastate", effective Jan. 18, 2000.

§ 254.3 Definitions.

Large aircraft means any aircraft designed to have a maximum passenger capacity of more than 60 seats.

§ 254.4 Carrier liability.

On any flight segment using large aircraft, or on any flight segment that is included on the same ticket as another flight segment that uses large aircraft, an air carrier shall not limit its liability for provable direct or consequential damages resulting from the disappearance of, damage to, or delay in delivery of a passenger's personal property, including baggage, in its custody to an amount less than \$2500 for each passenger.

[64 FR 70575, Dec. 17, 1999]

EFFECTIVE DATE NOTE: At 64 FR 70575, Dec. 17, 1999, §254.4 was revised, effective Jan. 18, 2000. For the convenience of the user, the superseded text follows:

§ 254.4 Carrier liability.

In any flight segment using large aircraft, or on any flight segment that is included on the same ticket as another flight segment that uses large aircraft, an air carrier shall

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not limit its liability for provable direct or consequential damages resulting from the disappearance of, damage to, or delay in delivery of a passenger's personal property, including baggage, in its custody to an amount less than \$1250 for each passenger. Pursuant to 14 CFR 382.43(b), this limit does not apply to wheelchairs or other assistive devices used by passengers with disabilities.

[ER-1374, 49 FR 5071, Feb. 10, 1984, as amended at 64 FR 41783, Aug. 2, 1999]

§ 254.5 Notice requirement.

In any flight segment using large aircraft, or on any flight segment that is included on the same ticket as another flight segment that uses large aircraft, an air carrier shall provide to passengers, by conspicuous written material included on or with its ticket, either:

(a) Notice of any monetary limitation on its baggage liability to passengers; or

(b) The following notice: "Federal rules require any limit on an airline's baggage liability to be at least \$2500 per passenger."

[ER-1374, 49 FR 5071, Feb. 10, 1984, as amended at 64 FR 70575, Dec. 17, 1999]

EFFECTIVE DATE NOTE: At 64 FR 70575, Dec. 17, 1999, §254.5 was amended in paragraph (b) by removing "\$1250" and adding in its place "\$2500," effective Jan. 18, 2000.

§ 254.6 Periodic adjustments.

The Department of Transportation will review the minimum limit of liability prescribed in this part every two years. The Department will use the Consumer Price Index for All Urban Consumers as of July of each review year to calculate the revised minimum liability amount. The Department will use the following formula:

$\$2500 \times (a/b)$ rounded to the nearest \$100 where:

a = July CPI-U of year of current adjustment

b = Most current CPI-U figure when final rule is issued.

[64 FR 70575, Dec. 17, 1999]

EFFECTIVE DATE NOTE: At 64 FR 70575, Dec. 17, 1999, §254.6 was added, effective Jan. 18, 2000.